

Department of Planning and Zoning

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TO: Development Review Board
FROM: Scott Gustin
DATE: June 2, 2015
RE: 15-0938SD; 380 Colchester Avenue

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Note: These are staff comments only; decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.

Zone: RL Ward: 1E

Owner/Representative: Nathaniel Hayward

Request: Change of use of primary dwelling from 2 residential units to 3 residential units.
Subdivision of property into 3 separate lots.

Applicable Regulations:

Article 3 (Applications, Permits, and Project Reviews), Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Criteria & Guidelines), Article 8 (Parking), Article 10 (Subdivision Review)

Background Information:

The applicant is requesting approval for a minor 3-lot subdivision. Two new vacant building lots would result from the subdivision. The existing duplex would be retained and expanded for conversion to a triplex. The existing dual curb cut driveway would be reconfigured into two separate shared driveways. The property is relatively large at 1.43 acres, but much of it is wooded slope down to Riverside Avenue to the west. A similar subdivision was approved at 366 Colchester Avenue in 2012. As this subdivision would result in just 3 lots, it is eligible for combined preliminary/final plat review per Sec. 10.1.7 of the CDO. Note that conversion to a triplex requires conditional use review as part of the subdivision application.

This proposal underwent sketch plan review with the Development Review Board on July 15, 2014. Comments from the DRB centered on traffic safety (especially sight lines along Colchester Avenue) and reduction of pavement around the would-be triplex.

The Design Advisory Board reviewed this application April 28, 2015. The Board unanimously recommended approval of the project, subject to the following conditions:

1. Add walkway from the southern driveway to the front door.
2. Construct a roof to shelter the rear (western) doorway.
3. Note that a handrail along the rear exterior stairs will be required.

The applicant has submitted updated project plans that incorporate the recommendations of the Design Advisory Board.

The Conservation Board reviewed this project May 4, 2015. The Board unanimously recommended approval of the project with the suggestion that opportunities for onsite infiltration of stormwater be explored. Updated project plans contain the pertinent information.

Previous zoning actions for this property are noted below.

- 2/8/85, Approval to convert single family home to a duplex
- 6/18/75, Approval to construct carport
- 4/23/75, Approval to relocate house from 128 Riverside Ave to subject property

I. Findings

Article 3: Applications and Reviews

Part 5, Conditional Use & Major Impact Review:

Sec. 3.5.6, Review Criteria

(a) Conditional Use Review Standards

1. The capacity of existing or planned community facilities;

One new dwelling unit will result from the conversion of the duplex to a triplex. It is served by municipal water and sewer and will require additional service. The new vacant lots will be served by public sewer and water when and if developed in the future. Sufficient reserve capacity is available; however, written verification from the Department of Public Works is required. A state wastewater permit will be required. **(Affirmative finding as conditioned)**

2. The character of the area affected;

The property is located within the Residential Low Density zone running in a strip along Colchester Avenue. Single family homes are the norm; however, institutional and commercial uses and a cemetery are all located close by. The RL zone is intended primarily for single family homes and duplexes. Insofar as the two newly created lots could be developed with single family homes, the proposed subdivision can be found in character with the area. **(Affirmative finding)**

3. Traffic on roads and highways in the vicinity;

The subdivision itself will not create any additional traffic. The conversion from a duplex to a triplex will entail minimal additional traffic. If the vacant properties are developed in the future, additional traffic created by two new single family homes would be nominal. **(Affirmative finding)**

4. Bylaws then in effect;

As conditioned, the application is consistent with applicable bylaws. **(Affirmative finding)**

5. Utilization of renewable energy resources;

Utilization of renewable energy resources is not included in the project design. Its construction; however, will not preclude such utilization in the future. **(Affirmative finding)**

6. Cumulative impacts of the proposed use;

This project is relatively small in scope, and this criterion stipulates that the cumulative impact of housing, where it is allowed, be considered negligible. **(Affirmative finding)**

7. Functional family;

There is no request to exceed 4 unrelated adults in any of the dwelling units. **(Not applicable)**

8. Vehicular access points;

Two curb cuts and one driveway presently serve the duplex. As proposed, those two curb cuts will be retained but will serve two separate driveways. The two driveways will be shared among the proposed lots. This configuration reduces the potential number of access points along Colchester Avenue. The site plan demonstrates compliant clear sight triangles for the two driveways where they enter Colchester Avenue. **(Affirmative finding)**

9. Signs;

No outdoor signs are included in this proposal. **(Not applicable)**

10. Mitigation measures;

This small residential project is not expected to generate offsite noise or glare substantial enough to require mitigation. **(Affirmative finding)**

11. Time limits for construction;

No extended time frame for construction or phasing schedule is proposed. Therefore, the standard 2-year time limit will apply for construction of the project. **(Affirmative finding)**

12. Hours of operation and construction;

Hours of operation need not be specified for the residential use.

No construction hours are noted in the application. Other projects with nearby residences have days and hours of construction limited to Monday-Friday 7:00 am – 6:00 pm. Limited work may extend outside this schedule to extend to Saturday 9:00 AM – 5:00 PM only after obtaining approval from the Development Review Board through correspondence rather than a scheduled hearing. No construction on Sunday. **(Affirmative finding as conditioned)**

13. Future enlargement or alterations;

In the event of future enlargement or alteration, permits would be required and reviewed under the regulations then in effect.

14. Performance standards;

Performance standards relating to outdoor lighting and erosion control are addressed under Article 5 of these findings.

15. Conditions and safeguards;

See recommended conditions of approval.

Article 4: Maps & Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(1) Residential Low Density (RL)

The subject property is located in the RL zone, which is intended primarily for single family homes and duplexes. The existing duplex would be converted to a triplex as allowed under Sec. 4.4.5 (d) 5 A noted below. The proposed vacant lots would be large enough to each contain a single family home. **(Affirmative finding)**

(b) Dimensional Standards & Density

The minimum lot size in the RL zone is 6,000 sf for single family homes and 10,000 sf for duplexes. The existing lot would be subdivided into lots 1, 2, and 3. They would be 48,961 sf, 6,065 sf, and 7,465 sf, respectively. Lots 2 and 3 are adequately sized for single unit density (7 units/acre in the RL zone). Lot 1 is sufficiently sized for the duplex conversion to triplex.

All three lots will have more than the minimum required 60' road frontage.

Building envelopes are depicted on the two new vacant lots, lots 2 and 3. Compliant front, side, and rear yard setbacks are depicted. The shared driveways are depicted along shared lot lines and are allowed per 5.2.5, *Setbacks*, (b) *Exceptions to Yard Setback Requirements*, 6.

The proposed construction results in 10.4% lot coverage on lot 1, 11.8% lot coverage on lot 2, and 5.6% lot coverage on lot 3. Coverage on all 3 lots remains well below the 35% limit.

The side and rear additions to the existing residence are both lower than the height of the existing structure. As proposed, the proposed additions are ~ 27' to the midpoint of the roof rises.

(Affirmative finding)

(c) Permitted & Conditional Uses

Two detached single family homes may be allowed (one on each new vacant lot) under separate permit. Single family homes are permitted uses. The existing duplex will be converted to a triplex and is subject to conditional use review and approval. **(Affirmative finding)**

(d) District Specific Regulations

1. Setbacks

A. Encroachment for Residential Driveways

Not applicable.

B. Encroachment into the Waterfront Setback

Not applicable.

2. Height

A. Exceptions in the Waterfront RM District

Not applicable.

3. Lot Coverage

A. Exceptions for Accessory Residential Features

Not applicable.

4. Accessory Residential Structures and Uses

Not applicable.

5. Residential Density

A. Additional Unit to Multi-Family

The duplex was approved in 1985 and, therefore, may be converted to a triplex under this provision. **(Affirmative finding)**

6. Uses

Not applicable.

7. Residential Development Bonuses

Not applicable.

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.5 (b) above.

Sec. 5.2.4, Buildable Area Calculation

Not applicable.

Sec. 5.2.5, Setbacks

See Sec. 4.4.5 (b) above.

Sec. 5.2.6, Building Height Limits

See Sec. 4.4.5 (b) above.

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 4.4.5 (b) above.

Sec. 5.5.1, Nuisance Regulations

Nothing in the proposal appears to constitute a nuisance under this criterion. **(Affirmative finding)**

Sec. 5.5.2, Outdoor Lighting

A lighting fixture cutsheet for the garage doors has been submitted. The proposed LED fixture is cutoff and acceptable. The fixture locations are not indicated on the building elevations and must be. The pedestrian entries into the residence will be illuminated as noted on the site plan. No fixture cutsheet has been provided and is needed. **(Affirmative finding as conditioned)**

Sec. 5.5.3, Stormwater and Erosion Control

A progressive stormwater management system is proposed. A series of bio-retention areas (i.e. rain gardens) will be created. These areas will capture stormwater runoff and infiltrate a portion of it into the ground. As recommended by the Conservation Board, an infiltration analysis has been done and has been included in revised project plans. Runoff that does not infiltrate will at least receive treatment in the rain gardens prior to discharging into the city stormwater system. Final approval by the Stormwater Administrator is pending.

An erosion prevention and sediment control plan has been provided. Retention of sediment onsite is particularly important on this sloped site adjacent to a sloping roadway. This plan has been reviewed by the Conservation Board, and final approval by the Stormwater Administrator is pending. **(Affirmative finding as conditioned)**

Article 6: Development Review Standards:

Part 1, Land Division Design Standards

Sec. 6.1.2, Review Standards

(a) Protection of important natural features

The subdivision itself will have no impact on important natural features. The two new lots (2 & 3) extend into the wooded portions of the site and, particularly on lot 3, down the slope. Proposed building envelopes have been reduced to keep future development off of the nearby steep slopes.

Much of the property, including all of the slope, is wooded. As required, the project plans depict clearing limitations and specimen trees (i.e. > 30" caliper). Following review by the Design Advisory Board, three additional trees originally slated for removal will be retained as noted in the project plans. In order to improve their chances of survival, a tree protection plan must be submitted as part of any construction plan for development of either new lot. **(Affirmative finding as conditioned)**

(b) Block size and arrangement
Not applicable.

(c) Arrangement of Lots
Lots 2 and 3 will be regularly shaped rectangular lots. The built area of lot 1 will be regularly shaped as well; however, it will have a large rear appendage consisting of the unbuildable slope. Lot sizes vary widely along Colchester Avenue. The proposed lots would be within the established size range. **(Affirmative finding)**

(d) Connectivity of streets within the city street grid
While no new streets are proposed, the new lots will access Colchester Avenue with shared driveways. As noted previously, there will be no increase in the number of curb cuts. The site plans demonstrate compliant clear sight triangles at the driveways' intersections with Colchester Avenue. **(Affirmative finding)**

(e) Connectivity of sidewalks, trails, and natural systems
Not applicable.

Part 2, Site Plan Design Standards

Sec. 6.2.2, Review Standards

(a) Protection of important natural features
See Sec. 6.1.2 (a) above.

(b) Topographical alterations
Much of the property slopes. Immediately along Colchester Avenue, the grade slopes downward from south to north. Further back, the property slopes to the west, down to Riverside Avenue. The existing duplex and proposed addition sit on a comparatively level portion of the site and will require only modest grading. More significant cut-and-fill is associated with the reworked driveways. The general topography of the site, however, will remain as it presently is.

Note that several retaining walls are proposed. None are particularly tall; however, the one straddling lots 1 and 2 may require a railing due to its 5.5' height. The timber guard rail in front of it may suffice, but clarification is needed. Materials information for the retaining walls is needed, and, if applicable, railing information.

The Department of Public Works has commented that the front “L” shaped retaining wall should be modified to remain entirely on the private property (and out of the public right-of-way).
(Affirmative finding as conditioned)

(c) Protection of important public views

There are no important public views from or through the property. **(Affirmative finding)**

(d) Protection of important cultural resources

The property is not included in the city’s map of archeologically sensitive areas, nor does it contain any specific archaeologically significant site points. **(Affirmative finding)**

(e) Supporting the use of alternative energy

No alternative energy is incorporated into the project design. The proposed addition and subdivision; however, do not preclude such utilization in the future. **(Affirmative finding)**

(f) Brownfield sites

The property is not included on the Vermont DEC Hazardous Site List. **(Affirmative finding)**

(g) Provide for nature’s events

See Sec. 5.5.3 for stormwater management.

Sufficient room remains available onsite for seasonal snow storage. As recommended by the Design Advisory Board, the new rear entry has been revised to incorporate a small porch roof for shelter. **(Affirmative finding)**

(h) Building location and orientation

Building location and orientation remains unchanged. The duplex presently faces Colchester Avenue. Upon addition and conversion to a triplex, it will continue to face Colchester Avenue. Its front entry is well-defined and will be modified somewhat with a new porch roof to shelter the front door. The conversion to a triplex involves an addition to the side and rear of the building. The proposed construction will not affect the present building location and orientation.
(Affirmative finding)

(i) Vehicular access

The duplex is presently served by a half-circle driveway with two curb cuts on Colchester Avenue. As proposed, the two curb cuts would be retained, but the driveway would be replaced with two separate driveways. Although no buildings are to be constructed on lots 2 and 3 as part of this application, the two new driveways are intended to provide access to them. They will also provide access to the triplex. **(Affirmative finding)**

(j) Pedestrian access

A new front walkway will be installed to connect the existing front entry to the public sidewalk. The Department of Public Works has commented that the proposed stairs at the end of this walkway be moved out of the street right-of-way. As recommended by the Design Advisory Board, another new walkway will be installed to link the southern driveway and parking area to the front door. The new outdoor stairway behind the addition will connect the upper and lower parking areas and will provide access to the new rear entry. As noted by the DAB, a railing will be installed along this new concrete stairway. Finally, note that sections of public sidewalk along

Colchester Avenue will be reconstructed. The Department of Public Works has commented that the city standards include a 5" thick sidewalk (6" across driveways), constructed with 4,000 psi concrete without reinforcement. Detail 3 on sheet C2.0 must be revised accordingly.

(Affirmative finding as conditioned)

(k) Accessibility for the handicapped

Handicap access to the residence is feasible. Accessibility will be as required by the ADA as administered through the city's building code. **(Affirmative finding as conditioned)**

(l) Parking and circulation

Surface and garage parking will be provided. The site plan demonstrates sufficient room for vehicles to turn around in the proposed driveways and avoid backing out onto Colchester Avenue. The proposed triplex will require 6 parking spaces (2 per unit). As proposed, 3 of these spaces will be provided in the garage and another 3 will be provided in surface parking spaces on the shared driveway between lots 1 and 2. In an effort to reduce asphalt, the driveways have been narrowed to 10' where possible. **(Affirmative finding)**

(m) Landscaping and fences

Proposed landscaping is centered on the proposed rain gardens. A mix of water-tolerant shrubs and perennials will be planted within the gardens. The proposed landscaping is a relatively rare example of functional green space. It will serve to beautify the site while also contributing to improved water quality. **(Affirmative finding)**

(n) Public plazas and open space

No public spaces or open space are included in this proposal. **(Not applicable)**

(o) Outdoor lighting

See Sec. 5.5.2.

(p) Integrate infrastructure into the design

No new utilities are evident in the project plans. Existing utility lines will continue to serve the proposed triplex. Trash and recycling totes will be located behind the residence on a concrete slab. **(Affirmative finding)**

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

(a) Relate development to its environment

1. Massing, Height, and Scale

The proposed addition is set to the side and rear of the existing building. Along Colchester Avenue, the proposed addition is fairly narrow and steps down the slope. Stepping down provides a distinct separation between the original and new construction and serves to break up the overall massing of the residence. The bulk of the addition is located behind the existing home and will be minimally visible from the street. Even so, the mass and scale of this rear addition is consistent with that of the existing home. Height of the addition is appropriately lower than that of the existing home. **(Affirmative finding)**

2. Roofs and Rooflines

The addition will have a gable roof, consistent with that of the existing home. Orientation remains consistent along Colchester Avenue and is rotated 90 degrees for the rear addition. **(Affirmative finding)**

3. Building Openings

Windows in the existing home will be replaced with clad wooden units. These same windows will also be installed in the addition. Fenestration is consistent throughout. **(Affirmative finding)**

(b) Protection of important architectural resources

The existing duplex is not included on any historic register. The proposed renovation and addition will not adversely impact Burlington's important architectural resources. **(Affirmative finding)**

(c) Protection of important public views

See 6.2.2 (c) above.

(d) Provide an active and inviting street edge

As noted above, the location and orientation of the residence will remain unchanged. It has a well-defined front entry, and a new front walkway will be constructed to link with the public sidewalk. The circular driveway will be removed, thereby opening up green space to serve as a front lawn and rain gardens. The addition is set to the side and rear of the existing home. It will not adversely impact the street edge of the home. **(Affirmative finding)**

(e) Quality of materials

The vinyl siding on the existing home will be removed, and the wooden clapboards and trim underneath will be repaired and repainted. As noted previously, the existing windows will be removed and replaced with clad wooden units. The new addition will be clad in fiber cement clapboards and trim. Matching clad wooden windows will be installed, as will matching standing seam metal roofing. PVC fascia will be installed along the eaves. The proposed materials are high in quality and durability. Note that the driveways will be asphalt, and the new rear stairs will be concrete. **(Affirmative finding)**

(f) Reduce energy utilization

The proposed addition and renovations must comply with the current energy efficiency requirements of the city and of the State of Vermont. **(Affirmative finding as conditioned)**

(g) Make advertising features complimentary to the site

No advertising features are included in the proposal. **(Not applicable)**

(h) Integrate infrastructure into the building design

Vents and utility meters are noted on the elevation drawings. These items are appropriately located on secondary elevations. **(Affirmative finding)**

(i) Make spaces safe and secure

Building entries will be illuminated. Lighting details are needed as noted above. The Fire Marshal has reviewed the project plans and has identified no items in need of correction. **(Affirmative finding)**

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The subject property is located in the neighborhood parking district. As a result, each dwelling unit requires 2 parking spaces – a total of 6 parking spaces for the proposed triplex. As proposed, 3 spaces will be provided in the attached garage and another 3 will be provided within the shared lot 1/lot 2 driveway. **(Affirmative finding)**

Article 10: Subdivision Review

One parcel will be subdivided into three. The required boundary survey done by a VT licensed surveyor is included in the final plat application. The signature blocks required by Sec. 10.1.11, *Recording of Final Plats*, are missing. These blocks must be inserted into the boundary survey for signature and recording in the city's land records. **(Affirmative finding as conditioned)**

II. Recommended Conditions of Approval

1. Within 180 days of the date of final approval, the property plat mylar, with all applicable endorsement signatures, shall be filed with the City Clerk per Sec. 10.1.11 of the Comprehensive Development Ordinance. Failure to do so shall render void the final plat approval. A statement on the final plat is required that states Sec. 4.4.5 of the CDO is being modified by the project to allow development to be medium and high density forms.
2. **Prior to release of the zoning permit**, written verification of wastewater capacity shall be obtained from the Department of Public Works.
3. **Prior to release of the zoning permit**, the following items shall be submitted, subject to staff review and approval:
 - a. Outdoor lighting locations on building elevation drawings;
 - b. Fixture cutsheet for the pedestrian entries;
 - c. Retaining wall materials;
 - d. Relocation of the front "L" shaped retaining wall out of the street right-of-way;
 - e. Railing details for the retaining walls (if applicable);
 - f. Relocation of the front walkway stairs out of the street right-of-way;
 - g. Revised sidewalk detail compliant with city standards; and,
 - h. Revised boundary survey with all signature blocks per Sec. 10.1.11 of the Comprehensive Development Ordinance.
4. A tree protection plan shall be submitted with the zoning permit applications for construction of homes on lots 2 & 3.
5. All construction within the public right-of-way (including, but not limited to, the reconstructed sidewalks) shall require review and approval by the Department of Public Works.
6. Days and hours of construction shall be Monday-Friday 7:00 am – 5:00 pm; Saturdays 8:00 AM – 3:00 PM. No construction on Sunday.
7. A State Wastewater Permit will be required for sewer service. It is the obligation of the owner/applicant to seek this and any other required additional permits.
8. The Applicant/Property Owner is responsible for obtaining all necessary Zoning Permits and Building Permits through the Department of Public Works as well as other permit(s) as may be required, and shall meet all energy efficiency and egress codes as required.
9. All new utilities serving the property shall be buried.
10. Standard permit conditions 1-15.